

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA )  
 )  
vs. )  
 )  
CHRISTOPHER CLOUGH )

CR. NO. 17-CR-37-01-JL

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**MOTION IN LIMINE  
TO PRECLUDE TESTIMONY REGARDING  
MEDICAL BOARD PROCEEDINGS**

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NOW COMES the defendant, CHRISTOPHER CLOUGH, and, by and through his counsel, Patrick J. Richard, moves this Honorable Court, pursuant to Federal Rule of Criminal Procedure 12(b) and Federal Rules of Evidence 401 and 403, to preclude the prosecution from introducing evidence or arguments relating to the defendant's proceedings before medical review board.

As grounds therefore it is stated that:

1. The defendant took part in proceedings regarding his licenser as a physician's assistant before authorities of the State of New Hampshire;
2. The purpose of the hearings were whether the defendant should continue to retain his license to practice in the State of New Hampshire;
3. The prosecution has indicated to the defendant that it intends to present evidence from a witness as to his knowledge of the Medical Board proceedings against the defendant;
4. The proceedings and their results are legally irrelevant to the matter at hand;
5. This evidence carries "the potential for prejudice or confusion of the issues. Whenever an administrative body makes a finding that is closely related to the ultimate question put to the jury, there is a danger that jurors may simply defer to the administrative body" United States v. Phung, 384 Fed. Appx 787, 792 (10<sup>th</sup> Cir.2010).

6. The conduct decided at the Medical Board, although it included some information that will be presented from evidence here, revolved around other issues well removed from the issues at bar here.
7. Allowing such testimony would not only prejudice the jury against the defendant, but also confuse the jury as to the true issues that they are to decide in the matter at hand
8. No legal memorandum accompanies this motion as the relief requested and reasons therefore are fully set out herein.

WHEREFORE, the Defendant requests this Court:

- A. Allow this motion to Preclude Testimony;
- B. Such other relief as the Court deems just and equitable.

Respectfully submitted  
CHRISTOPHER CLOUGH  
by his attorney,

/s/ Patrick J. Richard

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CERTIFICATION

I certify that a copy of the within Motion In Limine has been served upon Assistant United States Attorney Charles Rombeau by ECF on November 28, 2018.

/s/ Patrick J. Richard  
Patrick J. Richard